

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ROBERT OWEN KIDD,

Petitioner,

v.

CIVIL ACTION NO. 2:07-00058

THOMAS MCBRIDE, Warden,
Mount Olive Correctional
Complex,

Respondent.

MEMORANDUM OPINION AND JUDGMENT ORDER

Pending before the court are petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. No. 2), and respondent's Motion to Dismiss (Doc. No. 7). By Standing Order entered August 1, 2006, and filed in this case on January 29, 2007, this matter was referred to United States Magistrate Judge Mary E. Stanley. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge Stanley to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge Stanley submitted her Proposed Findings and Recommendation ("PF & R") on November 28, 2007, recommending that this court deny the petition for writ of habeas corpus, deny as moot respondent's Motion to Dismiss, and remove this matter from the court's docket. (Doc. No. 14.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which

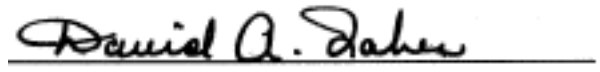
to file any objections to Magistrate Judge Stanley's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Neither party has submitted objections to the PF & R, and the time period for doing so has now expired.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the court (1) **CONFIRMS** and **ACCEPTS** the factual and legal analysis within the Proposed Findings and Recommendation (Doc. No. 14), (2) **DENIES** the petition for writ of habeas corpus (Doc. No. 2), (3) **DENIES AS MOOT** respondent's motion to dismiss (Doc. No. 7), and (4) **DISMISSES** this case from the court's docket.

The Clerk is directed to remove this action from the active docket of this court. The Clerk is further directed to forward a certified copy of this Memorandum Opinion and Judgment Order to petitioner and to all counsel of record.

It is **SO ORDERED** this 9th day of January, 2008.

ENTER:


David A. Faber
United States District Judge